

Providence City Planning Commission Agenda
Providence City Office Building, 15 South Main, Providence UT 84332
June 24, 2015

The Providence City Planning Commission will begin discussing the following agenda items at 6:00 p.m.
Anyone interested is invited to attend.

Approval of the Minutes:

Item No. 1. The Providence City Planning Commission will consider for approval the minutes of May 27, 2015.

Action Items:

Item No. 1. Proposed Preliminary Plat: The Providence City Planning Commission will consider for approval, a proposed preliminary plat for the Zollinger Subdivision; a 2-lot residential subdivision. The property is located at approximately 240 South 325 West, Providence.

Item No. 2. Proposed Code Amendment: The Providence City Planning Commission will consider for recommendation to the City Council, proposed code amendments to Providence City Code Title 10 Zoning Regulations, Chapter 5 Overlay Zones regarding Hazard slope zones, engineering geotechnical report, and disclosures of other natural hazards.

Study Items:

Item No. 1. Proposed General Plan Amendments: The Providence City Planning Commission will discuss possible amendments for the zoning element of the Providence City general plan; including the zoning districts for future annexation and future rezone of existing districts.

Staff Reports: Any items presented by Providence City Staff will be presented as informational only.

Commission Reports: Items presented by the Commission Members will be presented as informational only; no formal action will be taken.

Agenda posted by Skarlet Bankhead on June 22, 2015.


Skarlet Bankhead
City Recorder

If you have a disability and/or need special assistance while attending the Providence City Planning Commission meeting, please call 435-752-9441 before 5:00 p.m. on the day of the meeting.

Pursuant to Utah Code 52-4-207 Electronic Meetings – Authorization – Requirements the following notice is hereby given:

- Providence City Ordinance Modification 016-2006, adopted 11/14/2006, allows Planning Commission Member(s) to attend by teleconference.
- The anchor location for this meeting is: Providence City Office Building, 15 South Main, Providence, UT.
- Member(s) may be connected to the electronic meeting by teleconference.

Providence City Council Members may be in attendance at this meeting; however, no Council action will be taken even if a Quorum exists.

1 **Providence City Planning Commission Minutes**
2 **Providence City Office Building**
3 **15 South Main, Providence UT 84332**
4 **May 27, 2015 6:00 pm**

5
6 Chairman: Larry Raymond
7 Attendance: Kirk Allen, Robert James, Wendy Simmons
8 Alternate: Heather Hansen
9 Excused: Sherman Sanders

10
11 **Approval of the Minutes:**

12 Item No. 1. The Providence City Planning Commission will consider for approval the minutes of May 13, 2015.

13 **Motion to approve the minutes with the following correction: K Allen, second – W Simmons**

14 Page 2, line 35 – Clarify S Bankhead’s comments

15 **Vote: Yea: K Allen, R James, L Raymond, W Simmons**
16 **Nay: None**
17 **Abstained: H Hansen**
18 **Excused: S Sanders**

19
20 Item No. 5. Amended Final Plat: The Providence City Planning Commission will consider for approval an amended
21 final plat for Eagleview Estates Phase 2 amending the east boundary line.

- 22 • This item was discussed first.
- 23 • S Bankhead said Gary Knighton had a concern about the Rocky Mountain Power easement. The updated
24 plat just came in this afternoon and has not been reviewed by staff. However, it has all the corrections
25 staff has required and shows the adjustment that addresses Gary Knighton’s concern.
- 26 • Jack Nixon, Developer, addressed the commission. Rocky Mt. Power, Lex Baer (property owner), and J
27 Nixon have had extensive discussions about the power line. RMP has agreed to allow homes on the lots as
28 long as they stay 35’ below the wires. Paragraph 3 – the ground easement has been removed and
29 replaced with an aerial easement. All parties have agreed to this easement. A per Gary’s request, the plat
30 has been changed to show the easement.
- 31 • S Bankhead said this can be approved by the commission with the condition that Gary Knighton approves
32 the plat that has been presented with the power line easements.
- 33 • K Allen asked where the poles are. J Nixon said there are no poles on his property, just a long span of
34 lines. The poles are on Stan Checketts’ property.

35 **Motion to approve the Eagleview Estates Phase 2 plat pending Gary Knighton’s signature: H Hansen, second – R**
36 **James**

37 **Vote: Yea: K Allen, H Hansen, R James, L Raymond, W Simmons**
38 **Nay: None**
39 **Abstained: None**
40 **Excused: S Sanders**

41 **Public Hearing(s):** Prior to making a recommendation on the following items, the Planning Commission is holding a
42 public hearing. The purpose of the public hearing is to provide an opportunity for anyone interested to comment
43 on the proposal before action is taken. The Planning Commission invites you to attend the hearing in order to offer
44 your comments.

45 Item No. 1. 6:15 p.m. Public Hearing: The Providence City Planning Commission will receive comment on a
46 proposed rezone of 1.198 acres of property from Agricultural (AGR) to Single-Family Traditional (SFT). The property
47 is located at approximately 240 South 325 West, Providence.

- 48 • Public hearing on this item opened by L Raymond at 6:20 pm.
- 49 • No comments from the public.
- 50 • S Bankhead said the purpose of this rezone is to allow two building lots and some road dedication.
- 51 • H Hansen asked if this was the end of the subdivision.
- 52 • R Gustaveson said there is possibly more.
- 53 • R James said the areas surrounding this area are all SFT.
- 54 • L Raymond closed hearing on this item at 6:27 pm.

1 Item No. 2. 6:30 p.m. Public Hearing: The Providence City Planning Commission will receive comment on proposed
2 code amendments to Providence City Code Title 10 Zoning Regulations, Chapter 5 Overlay Zones regarding Hazard
3 slope zones, engineering geotechnical report, and disclosures of other natural hazards.

- 4 • L Raymond opened public hearing for this item at 6:30.
- 5 • No public comments.
- 6 • L Raymond said he would like to see “original rise and flow of the land is equal to or exceeds 30%” added
7 to 10-5-2, under steep slopes. Once it’s graded, you cannot see the original contours and he would like
8 original contours specified.
- 9 • R James said this is under non-developable sensitive areas, so by law cannot adjust contours.
- 10 • S Bankhead said if someone did disturb grades, then come in for approvals it would no longer be non-
11 developable and the ordinance wouldn’t apply. She supports L Raymond’s suggestion to specify original
12 rise and flow of the land.
- 13 • H Hansen thought maybe the before and after contours should be included.
- 14 • R James said adding “after” may open the door and encourage grading when it really shouldn’t be done.
- 15 • S Bankhead said the preliminary plat has to show the topography.
- 16 • K Allen asked about a situation where someone may bulldoze a slope and then later come into the city
17 and want to develop the land. What happens in that situation?
- 18 • S Bankhead said there is a land disturbance ordinance that will be coming before the commission at a
19 later time in an effort to stop this kind of practice. Anyone who desires to move significant amounts of
20 dirt on their property will be required to notify the city.
- 21 • H Hansen asked about overlay zones and if the commission was supposed to address the entire city at
22 once or as development comes.
- 23 • S Bankhead said all areas that are potential slope hazards need to be identified in the general plan. Then
24 when development comes in, these areas will be surveyed.
- 25 • R James asked how past land disturbances will be identified or addressed.
- 26 • S Bankhead said soils tests will determine land disturbances. This is somewhat of a retroactive ordinance.
27 A past land disturbance will be addressed when a current land owner wants to build on a property.
- 28 • H Hansen said the ordinance allows for development of previously disturbed land based upon expert
29 evaluation. (Potentially developable sensitive areas).
- 30 • L Raymond said as soon as 10-5-4.a goes into effect, the Highlands will not be in compliance.
- 31 • S Bankhead said the city will work with the developers to help them come into compliance.
- 32 • H Hansen asked if adding “original slope” to this section wouldn’t be a good idea.
- 33 • R James felt natural slope might be better wording.
- 34 • S Bankhead said original and natural can be added in the definitions.
- 35 • This item will be held over to another meeting so verbiage and definitions can be addressed.
- 36 • Public hearing on this item is closed at 6:52.

37 Item No. 3. 6:30 p.m. Public Hearing: The Providence City Planning Commission will receive comment on proposed
38 code amendments to Providence City Code Title 10 Zoning Regulations, Chapter 8 Area Regulations and Parking
39 Regulations, Section 1 Area Regulations and Section 3 Setbacks allowing attached uncovered decks to extend into
40 the rear setback.

- 41 • Public hearing for this item opened at 6:54 pm.
- 42 • Karl Nieman, 570 Aspen Ridge Lane, addressed the commission. He said the previous owner of the home
43 had already poured footings for a deck but building the deck would extend into the setback. He has a very
44 narrow back yard. He feels the ordinance was written to prevent people from building a covered deck as
45 an extension of a home. His deck is uncovered.
- 46 • Public hearing on this item closed at 6:56.

47 **Action Items:**

48 Item No. 1. Proposed Code Amendment: The Providence City Planning Commission will consider for
49 recommendation to the City Council, a proposed rezone of 1.198 acres of property from Agricultural (AGR) to
50 Single-Family Traditional (SFT). The property is located at approximately 240 South 325 West, Providence.

51 **Motion to recommend to the City Council the proposed rezone from AGR to SFT at 240 South 325 West: R**
52 **James, second – H Hansen**

53 **Vote: Yea: K Allen, H Hansen, R James, L Raymond, W Simmons**
54 **Nay: None**
55 **Abstained: None**

1 **Excused: S Sanders**

2 Item No. 2. Proposed Code Amendment: The Providence City Planning Commission will consider for
3 recommendation to the City Council, proposed code amendments to Providence City Code Title 10 Zoning
4 Regulations, Chapter 5 Overlay Zones regarding Hazard slope zones, engineering geotechnical report, and
5 disclosures of other natural hazards.

6 **Motion to continue: W Simmons, second – R James**

7 **Vote: Yea: K Allen, H Hansen, R James, L Raymond, W Simmons**

8 **Nay: None**

9 **Abstained: None**

10 **Excused: S Sanders**

11 Item No. 3. Proposed Code Amendment: The Providence City Planning Commission will consider for
12 recommendation to the City Council, proposed code amendments to Providence City Code Title 10 Zoning
13 Regulations, Chapter 8 Area Regulations and Parking Regulations, Section 1 Area Regulations and Section 3
14 Setbacks allowing attached uncovered decks to extend into the rear setback.

15 **Motion to recommend the proposed code amendments to the City Council: K Allen, second – R James**

16 **Vote: Yea: K Allen, H Hansen, R James, L Raymond, W Simmons**

17 **Nay: None**

18 **Abstained: None**

19 **Excused: S Sanders**

20 Item No. 4. Proposed Code Amendment: The Providence City Planning Commission will consider for
21 recommendation to the City Council, proposed amendments to Providence City Code 10-8-5: Commercial Zoned
22 Districts; Site Development and 10-8-6: Parking Regulations.

- 23 • S Bankhead said she has corrected grammatical errors and added other recommendations from the
24 Commission. The definition for xeriscape is on page 4. Landscape buffer definition has been added.
- 25 • H Hansen asked for clarification on 10 and 12. 10 is the overall site and 12 is the buffer zone. She also
26 asked if the city was going to require landscaping be maintained after installation. S Bankhead said
27 maintenance is required.
- 28 • R James said this could be a problem if someone uses buffer trees as both buffer and landscape trees. If
29 they are going to be required in both landscaping and in the buffer zone, then it needs to be clarified.
- 30 • S Bankhead said wording under 10 can say "Trees in portable planters shall not qualify to meet the tree
31 requirements", and "Trees in the landscape buffer do not qualify to meet the requirements for trees in
32 the overall landscaping."
- 33 • K Allen, page 3, would like verbiage changed from handicap to individuals with disabilities.
- 34 • H Hansen asked about entrances onto state roads versus city roads.
- 35 • S Bankhead said there are different requirements.

36 **Motion to recommend to City Council for approval the proposed amendments to 10-8-5 and 10-8-6 with the
37 above mentioned changes regarding trees in buffer zone and overall landscaping, and change wording from
38 "handicap" to "individuals with disabilities": H Hansen, second – R James**

39 **Vote: Yea: K Allen, H Hansen, R James, L Raymond, W Simmons**

40 **Nay: None**

41 **Abstained: None**

42 **Excused: S Sanders**

43 **Study Items:**

44 Item No. 1. Proposed General Plan Amendments: The Providence City Planning Commission will discuss possible
45 amendments for the zoning element of the Providence City general plan; including the zoning districts for future
46 annexation and future rezone of existing districts.

- 47 • H Hansen would like maps of Logan, Millville and River Heights with actual city boundaries.
- 48 • S Bankhead said the current zoning map should have the correct boundaries on it. It does not show their
49 annexation policies though. Annexation maps for Logan, River Heights and Millville will be provided to the
50 Commission.
- 51 • L Raymond asked if the Commission wanted to discuss property east of the deer fence.
- 52 • K Allen said Stan Checketts' property extends beyond the deer fence. There are a couple of other places
53 that extend beyond the deer fence.
- 54 • S Bankhead said the only property that will be impacted by future annexation is Jack Nixon's property.
- 55 • L Raymond felt it should be addressed by the Commission.

- 1 • R James recommends defining summaries first; then defining the uses.
- 2 • S Bankhead said more could be written about each district summary as long as it is in harmony with
- 3 10.8.6.
- 4 • H Hansen likes mixed use districts, but would like to see adjoining areas with more established
- 5 populations. She would like the city to avoid transient neighborhoods.
- 6 • K Allen said high density residential is appropriate in multiple family residential zones. Something like that
- 7 might also be nice in SFL zones. He would like to see parks and walking paths in some of the high density
- 8 areas. That could be done in overlay zones.
- 9 • S Bankhead said percentages of high density could be interspersed throughout SFT zones. That would
- 10 allow multi-family units without affecting the number of dwelling units in a zone. Zones would have to be
- 11 created to allow that.
- 12 • H Hansen asked about ensuring nice building materials be used in multi-family zones to avoid cheap
- 13 looking homes.
- 14 • S Bankhead said the Fair Housing Act prevents the city from being too specific about what types of
- 15 materials can be used. It could be addressed through covenants.
- 16 • R James said mixed use is pretty well defined as commercial/residential. He asked how multi-family mixed
- 17 use could be addressed.
- 18 • S Bankhead said it could be done by conditional use.
- 19 • R James suggested using online information to define zones, rather than creating these definitions and
- 20 zones from scratch.
- 21 • S Bankhead said there is a planned district section already written. However developers didn't like it
- 22 because it required a lot of upfront expense without a guarantee it wouldn't be approved. That could be
- 23 used as a template and changing the approval process to make it more inviting.
- 24 • H Hansen asked for suggestions on what areas the commission wanted to study for next meeting.
- 25 • L Raymond suggested looking at other community plans to see what has already been done so the
- 26 commission doesn't have to rewrite the plan.
- 27 • R James said 10-4-3 has a good description written and thought following that format would be a good
- 28 idea for a mixed use residential district. He suggested the intent of the districts should be written for each
- 29 zone as a first step.
- 30 • H Hansen suggested starting with the three commercial districts; descriptions and intents. After that,
- 31 Heather will research single family districts.
- 32 • L Raymond suggested looking at what Park City has done for high density zones.
- 33 • S Bankhead suggested looking at the Historic District and deciding how that will be addressed. Property
- 34 rights will have to be taken into consideration. She suggested a joint workshop with the Historic
- 35 Preservation Commission when the Planning Commission is ready to discuss that part of town. The longer
- 36 this is delayed, the less there will be to preserve. She felt it should be dealt with as its own separate zone
- 37 rather than an overlay.

38 **Staff Reports:** Any items presented by Providence City Staff will be presented as informational only.

- 39 • No staff reports.

40 **Commission Reports:** Items presented by the Commission Members will be presented as informational only; no

41 formal action will be taken.

- 42 • No commission reports.

43 **Motion to adjourn: R James, second – H Hansen**

44 **Vote: Yea: K Allen, H Hansen, R James, L Raymond, W Simmons**

45 **Nay: None**

46 **Abstained: None**

47 **Excused: S Sanders**

48 Meeting adjourned at 8:00 pm.

54 _____
Larry Raymond, Chairman

54 _____
Caroline Craven, Secretary

PROVIDENCE CITY
Executive Staff Report
Planning Commission Meeting Date: 06/24/2015

Request: Preliminary Plat approval

Item Type: Action Item

Applicant: Nick Zollinger

Owner: Rex Gustaveson

Prepared by: S Bankhead

General Plan: SFT

Zone: AGR

Parcel ID #: 02-096-0048
Address: 240 South 325 West

Acres: 1.20 (7.35 total acres)
Density per acre: **Gross:** **Net:**

Number of Properties: 1
Proposed Lots: 3

Background Information:

1. The Preliminary Plat application was received by Providence City on April 9, 2015.
2. This is a 2-lot residential subdivision located generally at 240 South 325 West.
3. The property for the 2-lot subdivision is currently part of Parcel No. 02-096-0048, a 7.35 acre parcel.
4. The application has been reviewed by the City Executive Staff.
5. On June 9, 2015, the Providence City Council adopted Ordinance No. 2015-014 changing the zone of the property described on the Preliminary Plat from Agricultural (AGR) Single-Family Traditional (SFT).

FINDINGS OF FACT:

1. ERS used Providence City Code 11-3-2 Preliminary Plat to review the application and preliminary plat.
2. ERS used the Providence City Corporation Department of Public Works Standards and Specifications Manual to review the application and preliminary plat.

CONCLUSIONS OF LAW:

1. ERS feels the preliminary plat meets the requirements of Providence City Code 11-3-2 with the following conditions:

CONDITIONS:

1. 11-3-2-B-2-f, ownership of adjacent property owners is needed.
2. The dimension along 325 West needs to be shown.
3. 11-3-2-B-3-d, the area to be dedicated to the City needs a boundary description and shown appropriately as well.
4. Show public utility easements on the interior of the lots.

RECOMMENDATION:

The City Executive Staff is recommending that the Planning Commission approve the preliminary plat for the Zollinger Subdivision according to the Findings of Fact, Conditions of Law, and Conclusions listed above.

ZOLLINGER SUBDIVISION
 PROVIDENCE CITY, CACHE COUNTY, UTAH
 A PART OF THE SOUTHWEST QUARTER
 OF SECTION 10, TOWNSHIP 11 N., RANGE 1 E., SALT LAKE BASE AND MERIDIAN
 APRIL, 2014

SCOTT & KARA SWENSON
 02-096-0026

NOTES

All lots have an adequate building envelope with regards to hazardous slope, building, water, zoning, setbacks, etc.

The new ditch at the north end of the project will be used for stormwater. The land is not part of the development, however, the developer has an easement for this purpose.

The last 15' of the new road will be provided to allow snow removal storage for Providence City.

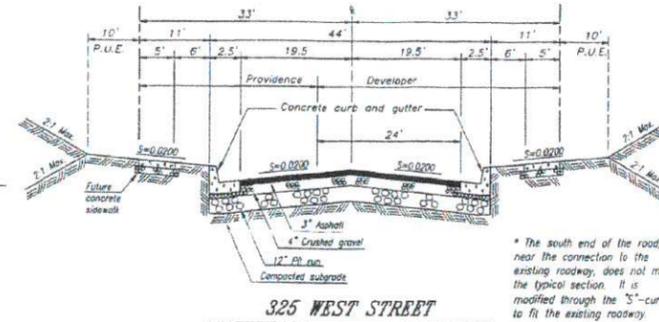
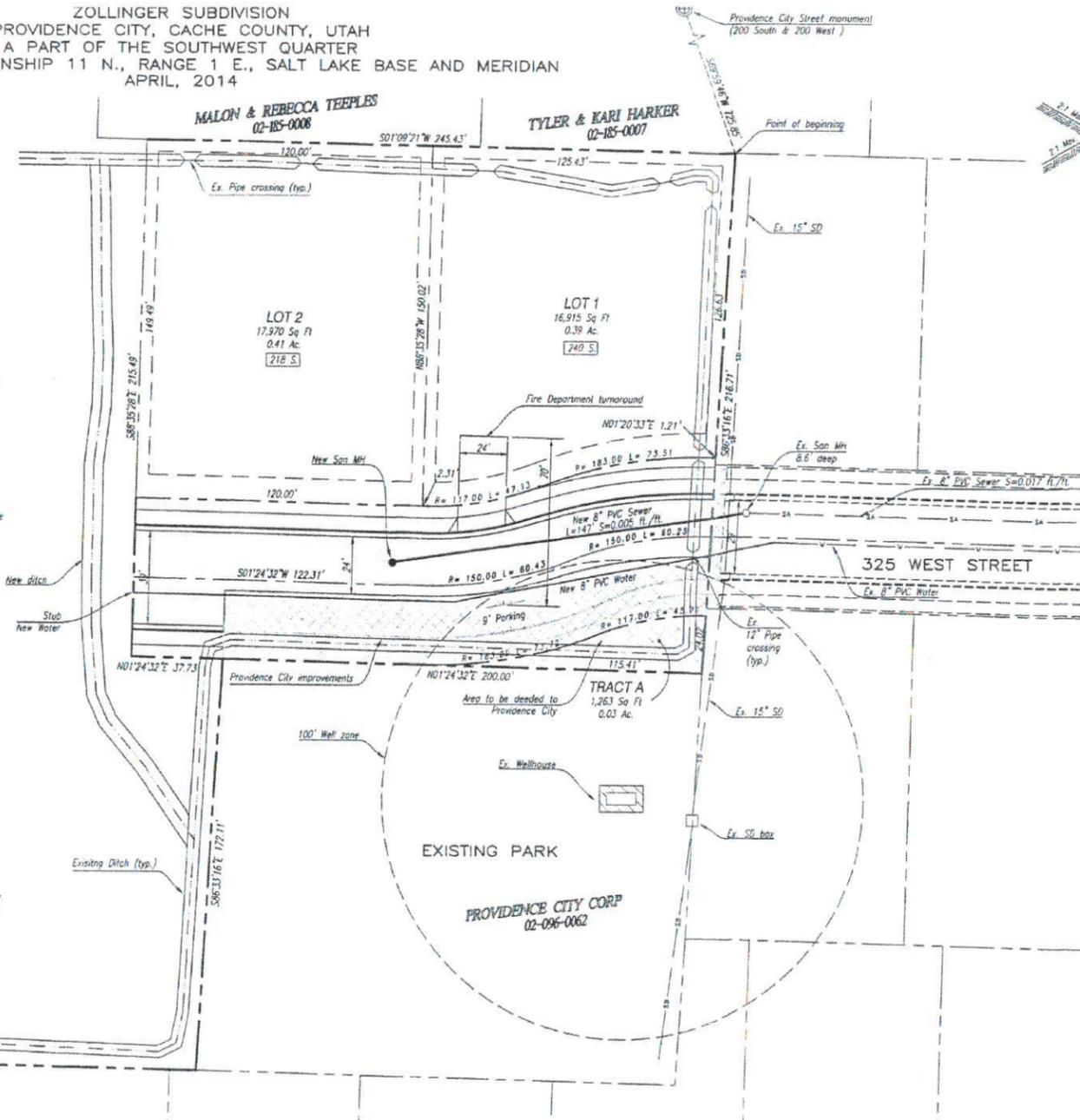
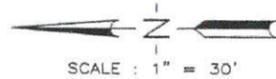
The Fire Department turnaround meets all applicable standards.

The area between the proposed extension of 325 West and the current Park (Tract A) will be deeded to Providence City.

The existing ditch on the south and west of the property will be abandoned, relocated, or piped by the developer. This is an ongoing discussion with the current landowner. But one of these options will occur during development.

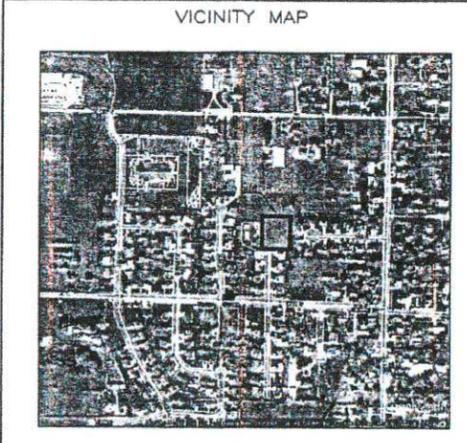
The existing well is owned and maintained by Providence City.

The developer is required to install the improvements as shown. Providence City will be responsible to install the improvements within the hatched area. At this location, the owner has no frontage, as it is adjacent to Providence City land.



LEGEND

	PROPOSED	EXISTING
SANITARY SEWER MANHOLE	●	○
SANITARY CLEANOUT	•	◦
SANITARY SEWER	—	- - -
STORM MANHOLE	⊙	⊗
STORM SEWER	—	- - -
COMBINATION CURB INLET	■	□
CURB INLET	■	□
FIELD INLET-AREA DRAIN	■	□
WATERMAIN & VALVE	+	+
WATER METER & SERVICE	+	+
WATERLINE BLOWOFF	+	+
FIRE HYDRANT	+	+
CONCRETE CURB	—	- - -
POWER POLE	+	+
BENCH MARK	⊕	⊕



I do hereby certify that I am a Registered Land Surveyor, and that I hold certificate number _____ as prescribed under the laws of the State of Utah. I further certify that by authority of the owners I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets hereafter to be known as: Zollinger subdivision, and the same has been correctly surveyed and all streets are the dimensions shown.

BOUNDARY DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT THE NORTHEAST CORNER OF MEADOWBRIDGE SUBDIVISION AND AT A POINT ON THE WEST LINE OF PINERIDGE ESTATES SUBDIVISION LOCATED SOUTH 89°59'46" WEST, A DISTANCE OF 725.85 FEET FROM THE PROVIDENCE CITY STREET MONUMENT LOCATED AT THE INTERSECTION OF 200 SOUTH AND 200 WEST STREET; RUNNING THENCE NORTH 86°33'16" WEST, A DISTANCE OF 216.71 FEET ALONG THE NORTH LINE OF MEADOWBRIDGE SUBDIVISION; THENCE NORTH 01°24'32" EAST, A DISTANCE OF 237.73 FEET; THENCE SOUTH 88°35'28" EAST, A DISTANCE OF 215.49 FEET TO THE WEST LINE OF PINERIDGE ESTATES SUBDIVISION; THENCE SOUTH 01°09'21" WEST, A DISTANCE OF 245.43 FEET ALONG S40 WEST LINE TO THE POINT OF BEGINNING.

CONTAINING 1.195 ACRES AND TWO (2) LOTS

OWNER / DEVELOPER

NICK ZOLLINGER
 518 SOUTH 285 WEST
 PROVIDENCE, UTAH
 435-881-5215

PRELIMINARY PLAT
 ZOLLINGER SUBDIVISION
 PROVIDENCE, UTAH

Turner Design
 Engineering, Inc.
 CIVIL ENGINEERING & LAND PLANNING
 307 HAMMOND LANE PROVIDENCE 84332
 (801)834-2805

CULINARY WATER AND
 SANITARY SEWER
 I certify that I have had this plat examined and find that it is correct and in accordance with the information on file at the Providence City office.
 Date _____
 Public Works _____

COUNTY SURVEYOR'S CERTIFICATE
 I certify that I have had this plat examined and find that it is accurately tied to an existing monumented section or quarter corner; that the boundary description matches correctly the boundary shown on the plat; that there are no overlaps with adjoining subdivisions and/or ownerships; that the ownerships shown are correct; and that the address of each lot conforms to the specific local address system; and after the plat is ready for recording that the proper signatures are in place.
 Date _____ County Surveyor _____

APPROVAL AND ACCEPTANCE
 Presented to the _____, 2015, of which time this subdivision was approved and accepted.
 Attest: Recorder _____ Mayor _____

ENGINEER'S CERTIFICATE
 I certify that I have had this plat examined and find that it is correct and in accordance with the information on file at the Providence City office.
 Date _____ Engineer _____

PUBLIC UTILITY ACKNOWLEDGEMENT
 We have reviewed this plat and approved it according to our utility. The utility agrees to place specific utilities underground, within the right of way, or easement, as shown on the plan. The utility is willing to provide needed service for the development. Any restrictions, fees, and timetables shall be provided before construction begins.
 Date _____ Questar Gas _____ Date _____ Rocky Mountain Power _____
 Date _____ Century Link _____ Date _____ Comcast _____

OWNER'S DEDICATION
 Know all men by these presents that we, the undersigned owners of the above described tract of land having caused the same to be subdivided into lots and streets as shown on this plat and name said tract _____ and hereby dedicate, grant, and convey to Providence City, Cache County, Utah, all those parts and portions of said tract of land designated as streets the same to be used as public thoroughfares forever, and also dedicate to these certain strips as easements for public utility and drainage purposes shown hereon. The same to be used for the installation, maintenance, and operation of public utility service lines and drainage as may be authorized by _____
 In witness we have hereunto set our signature this the _____ day of _____, 2015.

Job Number 14-007
 Date April 2015
 Scale 1" = 50'
 Designed by D.T.
 Drawn By D.T.
 Sheet 1 of 1

COUNTY RECORDER'S NUMBER _____
 State of Utah, County of _____, recorded and filed at the request of _____
 Date: _____ Time: _____ Fee: _____
 Abstracted _____
 Index _____
 Filed in _____ file of plats _____
 County Recorder _____

PLANNING COMMISSION APPROVAL
 Approved this the _____ day of _____, 2015 by the _____ Planning Commission.
 Chairman _____

APPROVAL AS TO FORM
 Approved as to form this the _____ day of _____, 2015
 Attorney _____

CORPORATE ACKNOWLEDGEMENT
 On this the _____ day of _____, 2015, personally appeared before me, the undersigned notary public in and for said state and county, _____ the signers of the above owner's dedication, who duly acknowledged to me that they signed it freely and voluntarily and for the uses and purposes therein mentioned.
 My commission expires _____
 Notary Public _____
 Residing in _____ County, Utah

PROVIDENCE CITY

Executive Staff Report

Planning Commission Meeting Date: 06-24-2015

Request: Amend Providence City Code Title 10 Zoning Regulations, Chapter 5 Overlay Zones regarding Hazard slope zones, engineering geotechnical report, and disclosures of other natural hazards.

Item Type: Code Amendment

Applicant: Providence City

Prepared by: S Bankhead

Staff Report Summary of Key Issues:

1. On February 24, 2015, the Providence City Council adopted Ordinance No. 2005-009, an ordinance establishing a temporary land use regulation for certain properties which are designated as including geologic hazards.
2. A temporary land use regulations is limited to an effective period not to exceed six months.
3. Providence City should amend the City Code to incorporate the temporary land use regulation prior to August 24, 2015.

FINDINGS OF FACT:

1. Providence City Code (PCC) 10-1-5:A. states changes and amendments to this Zoning Title shall be done in accordance with state law.
2. UCA § 10-9a-102 Purposes -- General land use authority.
(1) The purposes of this chapter are to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values.
(2) To accomplish the purposes of this chapter, municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law.
3. UCA § 10-9a-501 states the legislative body may enact land use ordinances and a zoning map consistent with the purposes set forth in in this chapter.
4. UCA § 10-9a-502 Requires the planning commission provide notice and hold a public hearing on a proposed land use ordinance or zoning map; and prepare and recommend to the legislative body a proposed land use ordinance and zoning map that represent the planning commission's recommendation.
5. UCA 10-9a-503.(1) The legislative body may amend: (b) any regulation of or within the zoning district; or (c) any other provision of a land use ordinance.

CONCLUSIONS OF LAW:

1. The proposed code amendment has been processed consistent with the above Findings of Fact.

CONDITIONS:

RECOMMENDATION:

That the Providence City Planning Commission make a recommendation to the Providence City Council, that they adopt the attached code amendment to Providence City Code Title

CHAPTER 5
OVERLAY ZONES

SECTION:

- 10-5-1: Conditional Use Permit Required
- 10-5-2: Sensitive Areas
- 10-5-3: Hazard Flood Zone (HF)
- 10-5-4: Hazard Slope Zone (HS)
- 10-5-5: Hazard Water Table Zone (HW)
- 10-5-6: Hazard Earthquake Primary Fault Zone (HE)
- 10-5-7: Hazard Wildfire Zone (WF)
- 10-5-8: Engineering Geotechnical Report
- 10-5-9: Disclosure of Natural Hazard by Engineering Geotechnical Report

10-5-1: **CONDITIONAL USE PERMIT REQUIRED:** All requests for permits involving a lot, parcel or site located wholly or partially within an area designated on the Zoning Map as an overlay zone including; Hazard Flood Zone (HF), Hazard Slope Zone (HS), Hazard Water Table Zone (HW) or Hazard Earthquake Primary Fault Zone (HE), Hazard Wildfire Zone (WF), shall be dealt with as a request for a conditional use permit under the provisions of Section 10-3-5 of this Title. All applications shall comply with the following regulations before any permit shall be issued. (Zon. Ord., 5-8-1991) (Ordinance Modification 011-99 04/13/99)

10-5-2: **SENSITIVE AREAS (NDSA) AND (PDSA):**

A. Sensitive areas are defined as follows:

Non-developable sensitive areas	The following areas are non-developable. None of the acreage encumbered by any of the following sensitive areas may be considered for development density, and none of the areas may be built upon or within except for required public utility and facilities. Any acreage encumbered by the following sensitive areas may be appealed to the Providence City Appeal Authority; and a determination of their development potential may be made.
1. Jurisdictional Wetlands	As defined by the US Army Corps of Engineers.
2. Steep Slopes	Where the rise or fall of the land is equal to or exceeds thirty percent (30%) over a horizontal distance of fifty feet (50') or greater (see Section 4 of this Chapter)
3. Natural	Including but not limited to: rivers,

Waterways or Open Water creeks, or streams. Identified as those areas where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetation litter or loosely rooted vegetation by action of moving water. The channel or bed need not contain water year round. This definition is not meant to include stormwater runoff devices or entirely artificial watercourse unless they are used to store or convey pass through stream flows naturally occurring prior to construction of such devices.

Watercourses where the definition may apply are those that appear on the US geological survey quad maps excluding irrigation canals and ditches. For instance, an irrigation canal following a natural or jurisdictional watercourse would not be exempt but others would be exempt.

Potentially developable sensitive areas.

The following areas are determined to be sensitive areas of Providence City and are subject to the requirements of this Chapter. These areas may be built upon based on the requirements of this section and other applicable city, state, and federal requirements. All acreage encumbered by any of the following sensitive areas may be considered for development density at the discretion of the Providence City Planning Commission, based on recommendations from professional(s) with expertise in the field being discussed.

1. Steep Slopes . Where the rise or fall of the land is between twenty percent and thirty percent (30%) over a horizontal distance of fifty feet (50') or greater. (see Section 4 of this Chapter)
2. Floodplains See definitions in Chapter 16

Section 3 of this Title.

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| 3. Crucial wildlife habitat areas | As identified by the State Division of Wildlife Recourses (DWR). |
| 4. Geological hazard areas | Earthquake fault lines or areas prone to debris flows, landslides, high or extreme liquefaction potential, and rock falls as identified by the US Geological Survey (USGS). |
| 5. Wildfire hazards areas: | Areas of the City designated as having moderate to extreme potential for wildfire hazards as identified by the City. |

B. Development of Sensitive Areas:

1. No land designated as a Non Developable Sensitive Area Overlay Zone may be considered for development density or disturbed in any manner during the development of adjacent lands except as reasonably necessary for the installation of required public utilities.
2. The lands within a Potentially Developable Sensitive Area Overlay Zone may be developed and built upon, subject to the requirements of this section and other applicable city, state, and federal requirements.
3. Land within a Potentially Developable Sensitive Area Overlay Zone may be considered for development density at the discretion of the Providence City Planning Commission, based on recommendations from professional(s) with expertise in the field being discussed.
4. The designation of land as within a Non-developable Sensitive Area Overlay Zone or within a Potentially Developable Sensitive Area Overlay Zone, and the application of other requirements imposed under the authority of this chapter may be appealed to the Providence City Appeal Authority, as provided for in Chapter 2-5 of this Code.

10-5-3: **HAZARD FLOOD ZONE (HF):**

- A. An Area which may be subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commercial and City services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which could adversely affect the public health, safety and general welfare of the citizens of the City. The Hazard Flood Zone (HF) as shown on the Zoning Map is based upon the flood hazard data provided to the City by FEMA. Flood hazard data will be provided in the form of a Flood Insurance Rate Map (FIRM) (hereafter referred to as the "flood map") and a

Flood Insurance Study (FIS) (hereafter referred to as the "flood study").

- B. Building Regulations: No dwelling unit, accessory building, church, school, public building, health care facility, residence or nursing home for the elderly or handicapped, nor any commercial, retail or industrial structure shall be constructed within a minimum distance as determined by the City from the top inside edge of the bank of any natural or manmade waterway that is located in a Hazard Flood Zone (HF). Under no circumstance shall any structure be permitted or constructed within thirty feet (30') of the top inside edge of the bank of any natural or manmade waterway that is located in a Hazard Flood Zone (HF).
- C. See Chapter 16 of this Title for flood plain regulations.

10-5-4: **HAZARD SLOPE ZONE (HS):**

A. Conditional Use Permit Required: An area where the natural slope of the land exceeds an average gradient through the building zones of thirty percent (30%) or greater and lands within thirty feet (30') of any slope falling away at a grade of thirty percent (30%) or greater may be designated as the Hazard Slope Overlay Zone. Within the Hazard Slope Overlay Zone, no construction or earth moving activity shall occur until a conditional use permit has been obtained in compliance with the provisions of Section 10-3-5 of this Title. A conditional use permit shall not be considered until adequate plans and engineering data are delivered to the City showing that:

1. No building or structure is to be located on any existing slope with an average gradient through the building zone of thirty percent (30%) or greater, nor within thirty feet (30') of any slope falling away at a grade of thirty percent (30%) or greater; and
2. A detailed erosion control, revegetation and bank stabilization plan has been approved by the City Engineer for any disturbances planned to existing slopes within the Hazard Slope Zone; and
3. A detailed site plan for any buildings or earth moving activities (roads, driveways, sewer or water lines, etc.) that show the location of the planned facilities and how they would fit in with the existing slope and landscape of the area (as shown by before and after contours – see 4. below) has been approved by the designated Land Use Authority.
4. Contours should show the following:

Natural Ground	Unimproved earthen material existing at its original location of formation or deposition, which has not been reworked, mechanically altered, constructed or improved.
Existing conditions	The ground as is presently exists.
Proposed conditions	The ground after the earth moving activities have

taken place.

- B. New Subdivisions: In the case of new subdivisions, these conditional use permit requirements for all public facilities (roads, sewer and water lines, etc.) within a Hazard Slope Zone (HS) shall be included in the final plat and construction drawing phases of the approval process and approval of the final plat shall serve as the ~~conditional use permit for uses within the Hazard Slope Zone. conditional use permit for roads, sewer, and water line and similar utility and infrastructure uses within the Hazard Slope Zone. An additional conditional use permit shall be required for the construction of buildings or structures, including homes, garages, and other such improvements within the Hazard Slope Zone (HS).~~"

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10-5-45: **HAZARD WATER TABLE ZONE (HW):** Areas where potential ground water levels may occur within 12 feet of the natural grade may be designated as Hazard Water Table Overlay Zone. Within a Hazard Water Table Overlay Zone, no permit shall be issued for any construction or use until a conditional use permit has been obtained in compliance with the provisions of Section 10-3-5 of this Title. A conditional use permit shall not be approved until adequate plans and engineering data are delivered to the Land Use Authority showing that no basement or cellar is to be built, that the percentage of the lot, parcel or site to be covered by buildings, parking spaces and paved surfaces does not exceed forty percent (40%) of the area of the lot, parcel or site and that the proposed use is not of a character to increase quantities of chemicals, fertilizers, pesticides or minerals or in any other way likely to contaminate the groundwater.

10-5-6 : **HAZARD EARTHQUAKE PRIMARY FAULT ZONE (HE):** No construction shall be permitted in any identified Hazard Earthquake Primary Fault Zone (HE) and/or landslide area until a conditional use permit has been obtained in compliance with the provisions of Section 10-3-5 of this Title. Said conditional use permit shall not be given until adequate plans and engineering data are provided showing:

- A. Location of Structures: Where public facilities, occupancy facilities, large structures and sewer and water systems are to be constructed. Detailed geotechnical investigations may be required so as to accurately and very specifically locate faults and/or landslide areas;
- B. Lines and Systems: Any sewer lines or disposal systems located beneath culinary water facilities; and
- C. Ground Response Map: Ground response maps identifying the areas most susceptible to ground motion. (Zon. Ord., 5-8-1991)

10-5-7 : **HAZARD WILDFIRE ZONES:** Areas having moderate to extreme potential for wildfire hazards shall be designated with the Hazard Wildfire

Overlay Zone. Within the Hazard Wildfire Overlay Zone:

- A. Development shall provide for ready access to fire and other emergency equipment and for routes of escape to safely handle evacuations.
- B. Measures to mitigate wildfire hazards and risks may be required by the appropriate Land Use Authority based on the recommendation and review of the Fire Marshall.
- C. Property owners are encouraged to implement the following:
 - 1. Construct the roof with fire-resistant materials like tile or metal, asphalt or fiberglass shingles. Clean roof surfaces and gutters of pine needles, leaves, branches, etc. regularly to avoid accumulation of flammable materials.
 - 2. Inspect your property regularly, clearing dead wood and dense vegetation from at least 30' around your house. Rake piles of leaves and twigs. If on a hill, more space will be needed to protect your home. A fuel break should be maintained around all structures.
 - 3. Move firewood away from the house or attachments like fences or decks.
 - 4. Cover vents with wire mesh no larger than 1/8 of an inch to keep sparks from enter your home through vents.
 - 5. Driveways should be wide enough for firefighting equipment to maneuver.

10-5-8: ~~ENGINEERING GEOTECHNICAL REPORT: For those areas identified as an active or potential mapped earthquake fault and landslide areas, or areas determined by review to contain geologically unstable conditions, development may be permitted by the designated Land Use Authority upon the review and approval of an engineering geotechnical report.~~

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- A. ~~The engineering geotechnical report shall be prepared by a licensed geotechnical engineer. The report shall be signed and dated by the preparer and shall also include the qualifications of the preparer.~~
- B. ~~The report shall be site specific and identify all known or suspected potential geotechnical or natural hazards, originating on site or off site, affecting the particular property.~~
- C. ~~The report shall include a detailed site map showing the location of the hazard(s) with delineation of the recommended setback distances from such hazard(s) and the recommended location for proposed structures.~~
- D. ~~The report shall address the potential effects of the hazard(s) on the proposed development and occupants thereof, in terms of risk and potential damage.~~
- E. ~~The report shall contain recommendations for avoidance or mitigation of the effects of the hazard(s). The evidence on which the recommendations and~~

~~conclusions are based shall be clearly stated in the report. Trench logs, soil borings, aerial photographs, references with citations, and other supporting information as applicable, shall also be included in the report.~~

~~F. All engineering geotechnical reports submitted to the City shall be reviewed by the Utah geological survey for completeness, accuracy, and appropriate recommendations.~~

~~10-5-8. ENGINEERING GEOTECHNICAL REPORT: For those areas identified as an active or potential mapped earthquake fault and landslide areas, or areas determined by review to contain geologically unstable conditions, and for all areas designated by a Sensitive Lands Overlay Zone Hazard Slope Zone (HS) or Hazard Primary Fault Zone (HE), development may be permitted by the designated Land Use Authority upon the review and approval of an engineering geotechnical report that complies with the provisions of this section. If a conditional use permit is required, the engineering geotechnical report shall be considered in the review of the conditional use permit application.~~

~~A. The site-specific soil/geologic report by a qualified geotechnical engineer shall identify all geologic hazards, whether on or off-site, if such hazard or hazards affects the particular property including the following hazard(s), unless determined prior to the preparation of the report by the City Engineer that the specific potential hazard or hazard does not need to be considered in the report:~~

- ~~1. Flood history and potential; proximity to known canals, lakes, streams and alluvial fan flooding;~~
- ~~2. Definition of any zones of deformation with respect to active faults and recommended setbacks therefrom;~~
- ~~3. Evidence for other mass movement of soil and rock (landslides, debris flows, rock falls);~~
- ~~4. Identification of anomalies of the terrain or characteristics of the geological materials which would have any potential impact upon the use of site;~~
- ~~5. Determination of ground water characteristics; and~~
- ~~6. Uncontrolled fill material within the building envelope of a lot or other uncompacted soils.~~

~~B. The report shall contain written recommendations for construction of structures and avoidance or mitigation of the hazards. Land drains along private property are not allowed and are discouraged through public property because long-term maintenance of drains cannot be guaranteed;~~

~~C. The report shall consider and contain data regarding the nature, distribution, and strength of soils within the project area. The soil report shall include a unified classification of all soils with an estimate of susceptibility to erosion, plasticity index, liquid limit, shrink-swell potential, and general suitability for development;~~

~~D. The report shall contain an estimate of the likely highest level of the water~~

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table considering the long-term effects of development and irrigation.

E. The report shall include a statement by the qualified geotechnical engineer preparing the report that the safety and integrity of the proposed building or structure is not compromised by potential geologic hazards and that the proposed building or structure, as designed and proposed, can be built in a manner that complies with the soils, footings and foundation requirements of the applicable building code.

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F. After the application is received by the City, the geologic and soil report will be reviewed by staff and, if the report finds that geologic hazards exist, the report will be reviewed by other geotechnical advisors which may include the Utah Geologic Survey (UGS). If after review, the geotechnical advisors concur with the geologic and soil report and the proposed remedial measures submitted by the applicant, the item will be forwarded to the land use authority designated to review the application for a conditional use permit.

G. The required reports and the plans to address the concerns set forth in those reports shall be stamped and approved by a licensed professional engineer. If the City Engineer does not agree with the applicant's geologic and soils report, the City and the applicant for a conditional use permit may utilize the procedure for resolving such disputes found in Utah Code Ann. 10-9a-703(20 for the appeal of a determination made under a municipality's geologic hazards ordinance.

H. As provided in Section 10-3-5(E)(4) of this Ordinance, a conditional use permit may be denied, and use of the property therefore prohibited, if geologic hazards associated with the property cannot be substantially mitigated by the imposition of reasonable conditions and/or the requirements of the geologic and soil report and the provisions of the applicable building code related to soils, footings, and foundations are not met.

~~G.~~

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10-5-10 : DISCLOSURE OF NATURAL HAZARD BY ENGINEERING GEOTECHNICAL REPORT: Wherever a potential natural hazard is identified by a required geotechnical report under this chapter, the owner of such parcel shall record a restrictive covenant running with the land in a form satisfactory to the City prior to the approval of any development or subdivision of such parcel, which shall include the following:

- A. Notice of the existence and availability of the engineering geotechnical report that identifies the natural hazards for public inspection in the City Office; and
- B. An agreement by the owner of the parcel and any successor in interest to comply with any conditions set by the City to minimize potential adverse effects of the natural hazard(s).

10-5-10: DISCLOSURE OF OTHER NATURAL HAZARDS: At any time after the designation of a particular parcel of land, or any portion thereof, as within a Sensitive Land Overlay Zone, the City may cause to be recorded at the Office of the Cache County Recorder a notice

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related to that land stating that the land lies within a Sensitive Land Overlay Zone. The notice may state that the construction of buildings and improvements on that land is subject to the provisions of the Providence City Ordinances related to Sensitive Lands, including a potential requirement to obtain a conditional use permit prior to the construction of a home or other buildings, structures or improvements on the land. Use of the land may not be allowed until a professional review is conducted, as provided in city ordinance, and reports are submitted that establish that any proposed home, building, or other structures or improvements to be erected upon the land can be built in compliance with relevant building codes and appropriate soil, flooding, and earthquake requirements. If qualified professionals cannot establish that a proposed use of the land can be conducted in a manner that complies with the health and safety provisions of the building code and other relevant standards, the proposed use of the land may be prohibited.

Date: 06-22-2015

To: Planning Commission Members

From: Skarlet

Re: Summaries for commercial zones

During the previous meeting, I was asked to look at ideas for summaries for the commercial zones. I have attached some that I found that Portland OR uses that may help.

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Commercial Zones

CN1 (Neighborhood Commercial 1) zone

The Neighborhood Commercial 1 (CN1) zone is intended for small sites in or near dense residential neighborhoods. The zone encourages the provision of small scale retail and service uses for nearby residential areas. Some uses which are not retail or service in nature are also allowed so a variety of uses may locate in existing buildings. Uses are restricted in size to promote a local orientation and to limit adverse impacts on nearby residential areas. Development is intended to be pedestrian-oriented and compatible with the scale of surrounding residential areas. Parking areas are restricted, since their appearance is generally out of character with the surrounding residential development and the desired orientation of the uses.

CN2 (Neighborhood Commercial 2) zone

The Neighborhood Commercial 2 (CN2) zone is intended for small commercial sites and areas in or near less dense or developing residential neighborhoods. The emphasis of the zone is on uses which will provide services for the nearby residential areas, and on other uses which are small scale and have little impact. Uses are limited in intensity to promote their local orientation and to limit adverse impacts on nearby residential areas. Development is expected to be predominantly auto accommodating, except where the site is adjacent to a transit street or in a Pedestrian District. The development standards reflect that the site will generally be surrounded by more spread out residential development.

CO1 (Office Commercial 1) zone

The Office Commercial 1 (CO1) zone is used on small sites in or near residential areas or between residential and commercial areas. The zone is intended to be a low intensity office zone that allows for small scale offices in or adjacent to residential neighborhoods. The allowed uses are intended to serve nearby neighborhoods and/or have few detrimental impacts on the neighborhood. Development is intended to be of a scale and character similar to nearby residential development to promote compatibility with the surrounding area. Development should be oriented to pedestrians along transit streets and in Pedestrian Districts.

CO2 (Office Commercial 2) zone

The Office Commercial 2 (CO2) zone is a low and medium intensity office zone generally located on Major City Traffic Streets as designated by the Transportation Element of the Comprehensive Plan. Uses are limited to those in the Office category and may have a local or regional emphasis. The zone is intended to prevent the appearance of strip commercial development by allowing office uses but not other commercial uses. Commercial uses are also restricted to limit detrimental impacts on nearby residential areas. Development is expected to be somewhat auto-accommodating. Where the site is adjacent to a transit street or in a Pedestrian District, development should be oriented to pedestrians. The development standards allow for more intense development than in the CO1 zone, but not so intense as the CG zone.

CM (Mixed Commercial/Residential) zone

The Mixed Commercial/Residential (CM) zone promotes development that combines commercial and housing uses on a single site. This zone allows increased development on busier streets without fostering a strip commercial appearance. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new housing opportunities in the City. The emphasis of the nonresidential uses is primarily on locally oriented retail, service, and office uses. Other uses are allowed to provide a variety of uses that may locate in existing buildings. Development is intended to consist primarily of businesses on the ground floor with housing on upper stories. Development is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalk, especially at corners.

CS (Storefront Commercial) zone

The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominantly built-up, with buildings close to and oriented towards the sidewalk especially at corners.

Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

CG (General Commercial) zone

The General Commercial (CG) zone is intended to allow auto-accommodating commercial development in areas already predominantly built in this manner and in most newer commercial areas. The zone allows a full range of retail and service businesses with a local or regional market. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. Development is expected to be generally auto-accommodating, except where the site is adjacent to a transit street or in a Pedestrian District. The zone's development standards promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas. Development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and the businesses themselves.

CX (Central Commercial) zone

The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.
